

DOCKET NO.: FST-FA-17-5016797-S
JENNIFER DULOS
v.
FOTIS DULOS

SUPERIOR COURT
STAMFORD-NORWALK
JUDICIAL DISTRICT
2019 MAR 20 P 4:47
AT STAMFORD

SUPERIOR COURT
JUDICIAL DISTRICT
OF STAMFORD/NORWALK
AT STAMFORD

: MARCH 20, 2019

MEMORANDUM OF DECISION ON DEFENDANT'S
MOTION FOR SUPERVISED VISITATION, PENDENTE LITE

On February 19, 2019, the court granted the defendant's motion for supervised visitation, pendente lite (#226.00), and stated that this articulation would follow. The court gave the parties an opportunity to reach agreement on a schedule for supervised visitation; however, they were unable to resolve all of their differences. Therefore, the court enters the orders set forth below.

I

The court suspended the defendant's access to the parties' five minor children following a hearing on the plaintiff's January 18, 2018 application for an emergency ex parte order of custody (#182.00; #183.00). In a memorandum of decision (the March 2018 memorandum of decision) (#211.00; #211.01) dated March 1, 2018, the court credited the testimony of the plaintiff, the guardian ad litem, and the treating psychiatrist of one of the children. The court stated the following with respect to the defendant: "The court does not find the defendant to be credible. The defendant does not seem to appreciate in any respect the consequences of lying under oath and wilfully violating a court order. His facility in testifying falsely to the court suggests that he is equally comfortable in encouraging the children to lie to achieve his desired outcome." The court concluded that it was clear that the defendant had pursued his own self-interest and exposed the children to his paramour Michelle Troconis and her daughter Nicole, in complete disregard of the court's prior orders and the effect his actions were having on the

226.02

children. The court found that there was “an immediate and present risk of psychological harm to the children if they have unrestricted and unsupervised contact with the defendant, as well as a risk of physical danger to [one of the children] arising from the possibility that he may manifest suicidal thoughts and act on them. . . . In view of the close bond among all five children, as described by the guardian ad litem, the court [found] it highly likely that all five of the children have been adversely impacted by the breakdown of their parents’ marriage, the defendant’s relationship with Ms. Troconis, and the pressure that the defendant has placed on them to lie.”

While recognizing the importance of the children having close relationships with both parents, the court found that it was in the best interest of the children at that time that their contact with the defendant remain suspended as previously ordered. The court entered the following orders on March 1, 2018:

1. The parties shall have joint legal custody, with the plaintiff having final decision-making, and the plaintiff shall have sole physical custody of the parties’ five minor children.

2. The defendant shall regularly engage in therapy with Dr. Humphrey for a period of time sufficient for the defendant to understand the ramifications of the improper requests that he has made of the children to lie on his behalf, and to acknowledge the unhealthy pressure that he has brought to bear on [the parties’ two oldest children] and their younger siblings, to their detriment.

3. The defendant shall authorize Dr. Humphrey to communicate regularly with the guardian ad litem regarding his progress.

4. [One of the two oldest children] shall continue his therapy with Dr. Lopez.

5. [The other of the two oldest children] shall be evaluated for and engaged in therapy as well. The defendant shall not interfere with the process to find a therapist for [this child].

6. The children as a group shall engage in family systems therapy that will assist them in adjusting to the changing circumstances of their family. The plaintiff shall participate in family systems therapy with the children as recommended by the therapist. The defendant shall also participate in family systems therapy with the children in order to restore their relationship in a therapeutic setting, provided that he has shown that he is aware of the negative impact his conduct has had on the children, and that he is willing to cooperate with the recommendations of Dr. Lopez, [the child's] therapist, and the guardian ad litem.

7. The defendant's access to the children shall be suspended until such time as (i) Dr. Humphrey reports to the guardian ad litem that the defendant has made satisfactory progress in reaching the milestones set forth above; (ii) the children have been evaluated by a psychologist with an extensive background in working with families involved in high conflict divorces; and (iii) the defendant is actively participating in family systems therapy with the children.

8. The parties shall share equally the cost of the family systems therapy to the extent that it is not covered by their health insurance.

The defendant filed a motion for supervised visitation, pendente lite (#226.00), on March 22, 2018. On April 6, 2018 and April 14, 2018, the plaintiff filed motions for contempt, pendente lite (#240.00; #245.00). The plaintiff filed an objection to the defendant's motion for supervised visitation, pendent lite (#258.00) on May 7, 2018. The plaintiff filed another motion

for contempt, pendente lite (\$352.00) on August 27, 2018, which was heard with the other motions.

The hearing on the defendant's motion for supervised visitation, pendente lite, and the plaintiff's motions for contempt, pendente lite, commenced on April 25, 2018. The parties appeared and were represented by counsel. The guardian ad litem was also present. The hearing, including related status conferences, continued on April 30, May 10, 11, 15, and 30, June 5, 8, and 12, July 12, 13, 26, and 27, August 20, 21, 24, and 27, September 18 and 21, and October 3 and 9, 2018. The hearing concluded on October 31, 2018. The defendant was no longer represented by counsel by the conclusion of the hearing. The court heard testimony from several witnesses, including the parties and the guardian ad litem. The court reviewed the exhibits that were admitted into evidence, considered the arguments of counsel and the defendant, and took judicial notice of the court file.

While these motions were pending, the defendant sought interim orders permitting him to have supervised parenting time with the children. The court found that it was in the best interests of the children to have supervised parenting time with the defendant on an interim basis until it concluded the hearing and ruled on the pending motions. The court entered several interim orders for supervised visitation. The defendant had parenting time with the children that was supervised by Dennis Puebla of Family Counseling and Mediation Center or his associates. There is no order for interim supervised visitation in effect at this time.

II

General Statutes §46b-56(a) provides in relevant part that "[i]n any controversy before the Superior Court as to the custody or care of minor children ... the court may make or modify any proper order regarding the custody, care, education, visitation and support of the children

.... General Statutes §46b-56(a). Section 46b-56(a) “provides the court [with] broad authority to make or modify any proper order regarding the custody, care, education, visitation and support of minor children in dissolution actions.” (Internal quotation marks omitted.) *Balaska v. Balaska*, 130 Conn. App. 510, 515, 25 A.3d 680 (2011).

General Statutes §46b-56(b) provides that, “[i]n making or modifying any order as provided in subsection (a) of this section, the rights and responsibilities of both parents shall be considered and the court shall enter orders accordingly that serve the best interests of the child and provide the child with the active and consistent involvement of both parents commensurate with their abilities and interests....” General Statutes §46b-56(b). “[T]he best interests of the child include the child's interests in sustained growth, development, well-being, and continuity and stability of [the child's] environment.” (Internal quotation marks omitted.) *In re Ryan R.*, 102 Conn. App. 608, 625-26, 926 A.2d 690, cert. denied, 284 Conn. 923, 924, 933 A.2d 724 (2007).

The court finds that it is in the children’s best interests that they have regular supervised parenting time with the defendant every other weekend in accordance with the orders set forth below. The regular supervised weekend parenting time schedule shall begin on Saturday, March 30, 2019. Accordingly, it is hereby ordered as follows:

1. The defendant shall have supervised parenting time on Friday, March 22, 2019 for a period of six hours. The supervised parenting time shall take place in Fairfield County.
2. The defendant shall have supervised parenting time on Sunday, March 24, 2019 for a period of six hours. The supervised parenting time shall take place in Fairfield County.
3. Beginning with the weekend of March 30-31, 2019, the defendant shall have supervised parenting time every other weekend. The defendant shall have supervised parenting

time on Saturday for a period of seven hours, in Fairfield County, and on Sunday for a period of six hours, in Hartford County. The defendant's Hartford County supervised parenting time may take place at the parties' former marital residence in Farmington. There shall be two supervisors for the defendant's supervised weekend parenting time at the Farmington residence.

4. The defendant's regular supervised weekend parenting time shall continue thereafter on an alternating weekend schedule, subject to the following exceptions:

(a) Greek Easter weekend: The defendant shall have supervised parenting time on Friday, April 26, 2019 for a period of four hours, in Fairfield County; on Saturday, April 27, 2019 for a period of eight hours, in Hartford County; and on Sunday, April 28, 2019 for a period of six hours, in Hartford County.

(b) Mother's Day weekend: The defendant shall have supervised parenting time on Saturday, May 11, 2019 for a period of seven hours, in Hartford County. The defendant shall not have supervised parenting time on Mother's Day, Sunday, May 12, 2019.

(c) Memorial Day weekend: The defendant shall have supervised parenting time on Saturday, May 25, 2019 for a period of seven hours, in Fairfield County, and on Sunday, May 26, 2019 for a period of seven hours, in Hartford County.

(d) Father's Day weekend: The defendant shall have supervised parenting time on Father's Day, Sunday, June 16, 2019 for a period of six hours, in Hartford County.

5. The defendant's supervised parenting time shall be supervised by Dennis Puebla of Family Counseling and Mediation Center and/or one or more of his associates. There shall be a sufficient number of supervisors to provide appropriate supervision, given the proposed activities and the venue. The defendant and the supervisor shall pick the children up at the plaintiff's residence or at a mutually agreeable location at the beginning of the defendant's

supervised weekend parenting time. The plaintiff shall meet the defendant, the supervisor, and the children at a mutually agreeable location to pick the children up at the end of the defendant's supervised weekend parenting time.

6. The supervisor shall prepare a written report following each period of supervised parenting time. The supervisor shall submit the report to the guardian ad litem within seven days of the supervised parenting time. The supervisor shall retain all notes and drafts of each written report until further order of the court of the date of entry of the dissolution judgment in this action, whichever is earlier.

7. The children may engage in any activity in which they have previously engaged during the defendant's supervised parenting time; provided, however, that the children shall not engage in any activity that requires a release or a waiver of liability without the written consent (including by text message or email) of the plaintiff, which consent shall not be unreasonably withheld. All activities shall comply with the laws of the State of Connecticut and any applicable safety regulations or guidelines. Upon the plaintiff's request, the defendant shall obtain proof of sufficient liability insurance coverage for any venue at which he proposes to have supervised parenting time.

8. The defendant shall provide the plaintiff and the guardian ad litem with a detailed itinerary of the activities, including the venue, proposed for each weekend of his supervised parenting time by 7:00 p.m. on the Wednesday immediately prior to his supervised weekend parenting time. The plaintiff shall advise the defendant and the guardian ad litem of any objections, questions, or concerns regarding the proposed activities and venue by 7:00 p.m. the following day. If the parties are unable to resolve the issues by 5:00 p.m. on Friday, the

defendant's supervised weekend parenting time shall take place at another venue that has been previously agreed upon by the parties.

9. The defendant's supervised weekend parenting time shall not interfere with any of the children's regularly scheduled team practices, games, speech therapy, learning supports, recitals, or other activities pertinent to their social and emotional wellbeing. The parties shall use their best efforts to coordinate the children's weekend schedule to minimize any conflict with the defendant's supervised weekend parenting time.

10. The defendant shall be responsible for all costs and expenses relating to his supervised weekend parenting time, including the fees of Mr. Puebla and Family Counseling and Mediation Center.

11. The defendant shall not have private conversations with any of the children during his supervised weekend parenting time. No conversations shall take place in the supervisor's presence in a language which the supervisor does not speak or understand.

12. The defendant shall not discuss anything relating to this dissolution action with or in the presence of the children during his supervised weekend parenting time, including the status of the case, any court orders, and any past or pending court proceedings. The defendant shall not permit anyone else to discuss anything relating to this dissolution action with or in the presence of the children. The defendant shall not engage in or permit any disparagement of anyone involved in this dissolution action, including the plaintiff, her counsel, the guardian ad litem, and other professionals, in the presence of the children. The defendant shall not post anything relating to this dissolution action on any form of social media to which the children have access.

13. No third party known to either the plaintiff or the defendant shall be present for the defendant's supervised weekend parenting time other than the supervisor or supervisors; provided, however, that the defendant may invite other family members and friends, except Ms. Troconis and her daughter Nicole, to join him and the children to celebrate Greek Easter on Saturday, April 27, and Sunday, April 28, 2019. The defendant shall advise all invited guests of the provisions of paragraph 12 above and ask them to comply accordingly.

14. Until there is an agreement of the parties or a further order of the court, the defendant shall not permit Ms. Troconis and/or her daughter Nicole to be in the vicinity of the children at any time before, during, or after his supervised parenting time. The parties are encouraged to work with the guardian ad litem on a mutually agreeable process and timetable for reintroducing the children to Ms. Troconis and Nicole.

In addition to the orders set forth above with respect to the defendant's supervised weekend parenting time, the court finds that it is in the children's best interests to have regular supervised weekday parenting time with the defendant, on the same terms and conditions. The defendant's regular supervised weekday parenting time shall take place in Fairfield County, beginning on Wednesday, April 3, 2019. The defendant shall have supervised weekday parenting time with the children every Wednesday from 4:30 p.m. until 7:30 p.m. The defendant shall pick the children up at the plaintiff's residence at 4:30 p.m. and return the children to the plaintiff's residence at 7:30 p.m. If the children participate in an after-school activity, the defendant's supervised weekday parenting time shall begin when such activity is concluded. The defendant shall provide the plaintiff and the guardian ad litem with a detailed itinerary of the activities, including the venue, proposed for his supervised parenting time by 7:00 p.m. on the Monday immediately prior to his supervised weekend parenting time. The

plaintiff shall advise the defendant and the guardian ad litem of any objections, questions, or concerns regarding the proposed activities and venue by 7:00 p.m. the following day. If the parties are unable to resolve the issues by 2:00 p.m. on Wednesday, the defendant's supervised weekday parenting time shall take place at another venue that has been previously agreed upon by the parties. No third parties shall be present during the defendant's supervised weekday parenting time.

The prior orders of the court regarding recording all telephone conversations between the defendant and the children and providing transcript of such conversations remain in full force and effect, without prejudice to either party seeking a modification of such orders in the future.

III

In entering these orders regarding supervised visitation, the court recognizes that the defendant has a history of willfully violating clear and unambiguous orders of the court. The court specifically found in the March 2018 memorandum of decision that "[t]he defendant does not seem to appreciate in any respect the consequences of lying under oath and wilfully violating a court order." The court has also found the defendant in contempt and granted the plaintiff's motions for contempt, pendente lite (#240.00; #245.00; #352.00), with an articulation to follow.

Notwithstanding these findings of contempt, however, the court has concluded that it is in the children's best interests to have regular, frequent, and supervised access to the defendant pursuant to the orders set forth above. As our Supreme Court has observed, "[i]t is well settled in this state that, in deciding custody or visitation issues, a court must always be guided by what

is in the best interests of the child." (Citations omitted.) *Ireland v. Ireland*, 246 Conn. 413, 419, 717 A.2d 676 (1998).

BY THE COURT:



HELLER, J.

Decision entered in accordance
with the foregoing on
3/20/19.

All counsel and self-represented
parties notified on 3/20/19.

- Wayne Effron
- Fots Dulos
- Michael Joseph Rose
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